FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3730 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr M.M.Kadam i/b Mr Pratap Patil,for the petitioner.

CORAM: D.B.BHOSALE,J.
DATED: 26.09.2006

P.C.:

Heard the learned counsel for the petitioner.

The petitioner has challenged the order dated 12.4.2006, by which his application for adducing additional evidence by way of an affidavit, as provided for under Order 41 Rule 27 of CPC, to bring the subsequent developments on record, has been rejected. In the application, the petitioner has stated that the respondent-landlord has constructed a room admeasuring 10'x 12' and it is being used by his family members and further, two daughters of the respondent got married and, therefore, the number of members of the family has reduced to four. The respondent-landlord has categorically denied the construction of the room as aforestated as also the marriage of the two daughters. He has stated that one daughter

got married, however, that would not affect the claim of possession of the tenement on the ground of bonafide requirement. In my opinion, the order passed by the court below is just and proper for the reasons recorded therein and in any case it does not suffer from any infirmity warranting interference by this Court under Article 227 of the Constitution of India. Hence, the writ petition is dismissed.

(D.B.BHOSALE,J.)